

August 17, 2006

The Board of Public Works & Safety met at 4:00 p.m. on the above date in the Meeting Room at City Hall Annex with Mayor Knowles presiding and members Askren and Williams attending. Others attending were Chief Beloit; Acting Fire Chief Reese; Supt. Givens; Attorney Funkhouser; Dan Horstman - Industrial Contractors; and Frank from Harvestime Temple.

Mayor Knowles called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. She added if not, she entertains a motion to waive their reading and to approve the minutes as presented.

Board member Williams moved the reading of the minutes be waived and they be approved as presented. Seconded by Board member Askren.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously.

Mayor Knowles requested action on the claims presented.

Board member Askren moved the claims presented be allowed for payment. Seconded by Board member Williams.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously.

****CLAIMS****

Mayor Knowles stated they will now hear the reports of the Departments.

Chief Beloit stated he would permission for Officer Rueger to attend training next week in Indianapolis and use of the city credit card.

Mayor Knowles asked what the class is for ?

Chief Beloit replied on interviewing.

Mayor Knowles moved permission to attend and use credit card be given. Seconded by Board member Williams.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously.

Chief Beloit continued his report by stating he would like permission for the new hire to receive an advance in his clothing allowance for the rest of year in order to purchase equipment and supplies.

Mayor Knowles stated as it has been done in the past, she has no problem with it, and moved permission be given. Seconded by Board member Williams.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously.

Mayor Knowles asked if there were any questions ?

There were none.

Supt. Givens stated he has been talking with Water Supt. Gray about a dump truck the water department has but no longer wants. He added the sewer department would like the truck, but he would like permission for a diesel mechanic to take a look at it before they proceed.

Mayor Knowles replied that is a good idea.

Board member Askren asked if the water department is wanting \$20,000 for the truck?

Supt. Givens replied yes and both departments could benefit from the purchase.

Mayor Knowles agreed it could work out well. She then moved Supt. Givens be permitted to have a mechanic look at the truck. Seconded by Board member Askren.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously.

Attorney Funkhouser added being that the purchase is interdepartmental, the process is not like that of purchasing from an outside vendor, but there will need to be Resolution presented to both the Utility Board and Board of Works.

Supt. Givens continued his report by stating he would permission to attend the I & I meeting in Petersburg, August 22 from 10:00 am to 2:00 pm. He then stated he is not positive he can attend, but if so, he would like permission. He added the meeting is free, though he would need the credit card for meals.

Mayor Knowles asked if there were any questions ?

There were no questions, therefore, Mayor Knowles moved permission to attend, use the city credit card and city vehicle be given. Seconded by Board member Williams.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously.

Mayor Knowles asked if there were any questions ?

There were none.

Acting Fire Chief Reese stated he has no report.

Attorney Funkhouser stated in the codification, under FLSA concerning overtime some questions have arose. He stated any hours worked over 40 in one week are overtime hours, and holidays are counted as hours worked in that case, though benefit days are not. He reminded the Board that FLSA will never do anything unlawful to a city for doing MORE for its employees.

Acting Chief Reese stated the fire department works on a 28 day overtime cycle, with hours worked over 212 being overtime hours. He stated they basically have overtime built into their schedule every month, but if a guy takes a benefit day, the overtime is gone.

Mayor Knowles stated the city employees do not get many perks anyway, and especially the fire department, being so small, they depend also on their volunteers.

Board member Williams stated he hopes it will not open a can of worms.

Board member Askren asked Chief Beloit how that would affect his budget ?

Chief Beloit replied his department is not set up for automatic overtime, they have to work more than 160 hours in the 28 day cycle to receive overtime. He added he thought now though, that police and fire both, were being paid straight time if they took a benefit day, which had not been done in the past.

Acting Chief Reese agreed but added the ordinance is not written up that way.

Attorney Funkhouser stated he does not feel they can change the way things are done for only one department, that would not be fair. He then stated before anything could be changed, an Ordinance would have to be passed by the Council. He also suggested the department heads take a look at how much money they could possibly be paying out if this would pass.

Acting Chief Reese replied his would be around \$2,500 to \$3,00.00.

Chief Beloit stated he would really have no idea, maybe around the same as the fire department.

Mayor Knowles stated the Board could defer this to the Council and see what they wish, make a recommendation to them.

Board member Williams stated he would be interested to see how other communities this size handle this. He added this is not the way it is done in most companies.

Attorney Funkhouser stated he could email Municipal Works to get some feedback. He then stated there is another over issue, code section 34.03, employees that are exempt from overtime. He questioned if those listed on the ordinance are correct.

Chief Beloit stated he is the only one in his department exempt from overtime.

Supt. Givens added that Dennis Givens should be added to that list, he is exempt from overtime.

Attorney Funkhouser questioned his title ?

Supt. Givens replied he is the PreTreatment Director. He also stated they do not have anyone in the Maintenance Foreman position, but if that is ever filled, it is also exempt.

Board member Williams stated FLSA is very specific about what is and is not exempt.

Mayor Knowles stated on the Legal portion of the Agenda is a request for a sewer tap on the Bulkley project. She then reminded the Audience that anyone wishing to address the Board should approach the podium and state their name and the nature of their business.

Mr. Horstman of Industrial Contractors approached and stated all permits have been filed for on the tap, and the fee has been paid.

Mayor Knowles added this is basically a technicality, having to come before the Board for permission to tap.

Supt. Givens added they will be putting in a new line, and actually the State regulates that. He also stated he has seen the prints, he has the flows, and sees no issues with the request.

Board member Askren moved the tap be approved. Seconded by Board member Williams.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously.

Mr. Horstman left the meeting.

Mayor Knowles asked if anyone else in the Audience wished to address the Board ?

Frank, from Harvestime Temple approached and stated on September 9 at Kimball Park, they will be holding an outreach and would like to request Sycamore Street be block, between Elm and Kimball, between 8:00 am and 4:00 pm.

Board member Williams asked if this will cause any issues for the police or fire ?

Chief Beloit replied it should not be an issue.

Acting Chief Reese agreed.

Board gave their consent.

Frank left the meeting.

Mayor Knowles stated this can either be under Legals or Old Business, but she would like to revisit the Triad bill, as it is once again becoming an issue. She updated Board member Williams by stating Triad was hired to put together the PER for the CSO's and Long Term Control Plan. She added as the PER was not acceptable, the city fired Triad and went with another engineer. She also stated at that time, the Board decided not to pay anymore of Triad's bills, as the city had already paid over \$23,000. Now, she added, they are billing once again for \$1,250.00. She added at this point the city may need to pay it and she will be talking with SRF next week on this. She then stated Triad did the PER and turned it into IDEM and then thought they were done, they weren't. She added when the city decided to go with another firm, they were basically told that the city did not get their money's worth. She wondered if Attorney Funkhouser should write a letter asking Triad to mark the account as paid in full, if they pay this \$1,250.00 invoice. She added she feels the city is paid up, in her opinion, and feels there should be no additional charge for meetings with IDEM.

Board member Williams agreed if the contract did not allow for that, no they should not pay it.

Attorney Funkhouser added the contract probably stipulated the city would pay for hours worked, but again, the city could not use their product.

Mayor Knowles agreed but added with the new firm, they are making progress and moving forward.

Board member Williams stated he feels if Triad did not perform the contract, they should not be paid.

Mayor Knowles asked if Board member Williams is suggesting the city try to get back their original investment of \$23,000.00 ?

Board member Williams replied definitely.

Attorney Funkhouser added he will need a copy of the signed contract and all bills.

Supt. Givens replied he will get those from bookkeeper Bennett.

Mayor Knowles asked if there was any other Old Business ?

Board member Williams stated he would like to compliment the railroad on the work they did on the Main Street crossing, as well as the street department. He added he received no complaints, lost no business, and feels they all did a great job.

Mayor Knowles agreed and added it was flawless and they did a great job.

Supt. Givens stated he has some other Old Business, the home on Coronado with a hole in their backyard. He reminded the Board that at the last meeting they had discussed possibly getting a video camera to televise the line, and he now has prices on that. There is a four hour minimum he stated, at \$165/hour and the time starts the minute they leave Evansville to come to town. He also stated it would cost \$55/hour for the operator, at a minimum of 220 minutes and for an extra person, \$35/hour, 140 minute minimum.

Attorney Funkhouser asked if the owner knows they may possibly be responsible for paying that ?

Supt. Givens replied no, he has not discussed that with them yet.

Attorney Funkhouser suggested Supt. Givens give them a call first before they are presented with the contract for payment to sign.

Board member Williams agreed the owners need to know when it becomes their problem and not the city's, depending on which end of the line is affected.

Supt. Givens replied that is a good idea. He also added he has a pretty good idea what the problem is, but he is not sure he is right.

Board member Williams stated if the owners don't agree to pay, just start digging and skip the televising, just fix the hole.

Mayor Knowles agreed they should have the contractor dig it up and skip the TV camera.

Supt. Givens agreed as well.

Mayor Knowles replied Supt. Givens should go with his gut instincts on this one, dig until they find the problem, but let the homeowner know in advance. She added she does not feel the taxpayers should pay for the city to go on personal property and fix homeowners issues.

Board member Williams suggested letting the homeowner make the decision on how to proceed. If they want the camera, they will pay, if not, the city will come and start digging.

Supt. Givens stated that makes sense.

Mayor Knowles stated again under Old Business, there was a request at the last meeting from Linda Strupp to close 5th Street between Mulberry and Walnut, in front of Trinity Church. She stated Clerk-Treasurer Wolfe spoke with Ms. Strupp and this is for their

Sunday School kickoff and the street would only be closed between 8:30 and 9:45 am on August 27.

Board member Williams moved permission to block street be given. Seconded by Board member Askren.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously.

Mayor Knowles stated under New Business, there is another request from a church to block a street. She continued by stating First United Methodist would like to block 6th Street between Main and College, all day, on Saturday for their Good News Festival.

Board member Askren moved request be approved. Seconded by Board member Williams.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously.

Mayor Knowles stated also under New Business, she would like permission for herself and all elected officials and department heads to attend the annual IACT Conference in Indianapolis the last week of September. She also asked that they be allowed to take the city vehicles.

Attorney Funkhouser added Board member Williams may also attend.

Mayor Knowles asked if there were any questions ?

There were none.

Board member Williams moved permission for elected officers and department heads to attend the conference and use city vehicles be given. Seconded by Board member Askren.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously.

Mayor Knowles stated in the absence of Comm. Epison, he asked that she present the following report:

INSERT

Board member Williams moved Comm. Epison be permitted to purchase the new striper, the cheaper model, if that will suffice. Seconded by Board member Askren.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously.

Mayor Knowles stated if there were no further business, she entertains a motion to adjourn.

Board member Williams moved the meeting be adjourned. Seconded by Board member Askren.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously and adjourned the meeting.

Rosemary L. Knowles

Mayor

ATTEST:

Cristi L. Wolfe

Clerk-Treasurer